

## **REMARKS**

Claims 1-16 are pending. Claims 1-16 have been rejected.

### **Allowable Subject Matter**

The Applicants sincerely thank the Examiner for indicating that claims 3, 4, 7, 8, 11, 12, 15 and 16 contain allowable subject matter.

### **35 U.S.C. § 102(e)**

Claims 1, 2, 5, 6, 9, 10, 13 and 14 are rejected under 35 U.S.C. 102(e) as being allegedly anticipated by Maggenti et al. (U.S. Patent No. 6,477,150 B1). Applicants respectfully traverse the rejection.

As noted by the Examiner, the applied reference has a common assignee with the instant application.

As suggested by the Examiner, a 37 CFR 1.132 Declaration is being submitted with this response therefore it is respectfully submitted that the rejection be withdrawn and that claims 1, 2, 5, 6, 9, 10, 13 and 14 be allowed.

### **Double Patenting**

Claims 1-16 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of copending Application No. 10/075,884.

A terminal disclaimer is being submitted under 37 C.F.R. § 1.321(c) to address the non-statutory double patenting rejection. With the submission of this terminal disclaimer, it is respectfully requested that the rejection be withdrawn and that claims 1-16 be allowed.

### CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: January 7, 2005

By: 

John L. Ciccozzi

Reg. No. 48,984

(858) 845-2611

QUALCOMM Incorporated  
Attn: Patent Department  
5775 Morehouse Drive  
San Diego, California 92121-1714  
Telephone: (858) 658-5787  
Facsimile: (858) 658-2502